

92D CONGRESS
1ST SESSION

H. R. 3578

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1971

Mr. RYAN (for himself, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DIGGS, Mr. DOW, Mr. ECKHART, Mr. EDWARDS of California, Mr. FRASER, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. KASTENMEIER, Mr. KOCH, Mr. LEGGETT, Mr. MIKVA, Mrs. MINK, Mr. ROSENTHAL, Mr. SCHEUER, Mr. STOKES, Mr. TIERNAN, and Mr. WOLFF) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To establish a Temporary National Security Commission.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

DECLARATION OF POLICY

4 SECTION 1. The Congress finds that the immense de-
5 mands upon our national resources for purposes of defense
6 and security have become a matter of deep concern in our
7 society and that there is evidence that institutional momen-
8 tum, rather than conscious policy, governs decisions relat-
9 ing to defense and national security. The Congress also finds

1 that there is increasing criticism being made of the Federal
2 agencies responsible for national defense and security with
3 respect to their choice of weapons systems and procurement
4 policies and practices. The Congress further finds that the
5 rising costs of the military and the changing international
6 situation, as well as the factors previously mentioned, require
7 that a complete study and review of the national defense
8 sector be immediately undertaken as a first step toward the
9 solution of these problems.

10 ESTABLISHMENT

11 SEC. 2. There is established a commission to be known
12 as the Temporary National Security Commission (hereafter
13 referred to in this Act as the "Commission").

14 DUTIES OF COMMISSION

15 SEC. 3. It shall be the duty of the Commission—

16 (1) to make a full and complete study and investi-
17 gation of all activities with respect to national security
18 and defense, including, but not limited to, the operation
19 of all agencies established in the National Security Act
20 of 1947, and any legislation subsequent thereto pro-
21 viding for the coordination for national security or con-
22 stituting the national military establishment, with a
23 view to determining—

24 (A) what are the current national policies and
25 objectives in the area of defense and security and,
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1 in view of such policies and objectives, whether the
2 national interest is being properly served by the
3 existing agencies of Government;

4 (B) whether existing and projected weapons
5 systems, military installations, management proce-
6 dures and fiscal performance of such agencies con-
7 form to national policy in the area of defense;

8 (C) to what extent the Defense Establishment
9 as an institution affects individual judgment in the
10 making and execution of policy; and

11 (D) whether the relationships between agencies
12 of the Federal Government responsible for procure-
13 ment and suppliers of goods and services require
14 modification; and

15 (2) to make recommendations (including sug-
16 gested legislation) to the Congress with respect to sub-
17 jects covered in paragraph (1) particularly with regard
18 to the improvement of policy for national security and
19 the effectiveness of procedures and organization in those
20 agencies of the Federal Government which function in
21 the area of defense.

22 MEMBERSHIP

23 SEC. 4. (a) NUMBER AND APPOINTMENT.—The Com-
24 mission shall be composed of seventeen members as follows:

1 to be appointed by the Speaker of the House of Rep-
2 resentatives, three from the majority party and two from
3 the minority party.

4 (2) Five Members of the Senate to be appointed by
5 the President of the Senate, three from the majority
6 party and two from the minority party.

7 (3) Six individuals from private life to be ap-
8 pointed, with due regard given to insuring a balance of
9 political viewpoint, by the Members of Congress ap-
10 pointed under paragraphs (1) and (2).

11 (4) One representative of the General Accounting
12 Office to be appointed by the Comptroller General of the
13 United States.

14 A vacancy in the Commission shall not affect the power of
15 the remaining members to execute the functions of the Com-
16 mission and shall be filled in the same manner as the original
17 appointment was made. At no time may any one standing
18 committee of the Senate or the House of Representatives be
19 represented by more than one individual chosen pursuant to
20 paragraph (1) or (2). Individuals from private life ap-
21 pointed under paragraph (3) shall be appointed for the
22 life of the Commission and shall be of acknowledged emi-
23 nence in fields of study or activity of national importance.

24 (b) COMPENSATION AND TRAVEL EXPENSES. (1)
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25 Except as provided in paragraph (2), members of the Com-

1 mission shall each be entitled to receive \$150 for each day
2 (including traveltime) during which they are engaged in
3 the actual performance of duties vested in the Commission.

4 (2) A member of the Commission appointed under
5 paragraph (1), (2), or (4) of the subsection (a) shall
6 receive no additional compensation on account of his service
7 on the Commission.

8 (3) While away from their homes or regular places of
9 business in the performance of services for the Commission,
10 members of the Commission shall be allowed travel expenses,
11 including per diem in lieu of subsistence, in the same man-
12 ner as the expenses authorized by section 5703 (b) of title
13 5, United States Code, for persons in the Government serv-
14 ice employed intermittently.

15 (c) QUORUM.—Nine members of the Commission shall
16 constitute a quorum, and actions by the Commission shall be
17 determined by a majority vote of the members present.

18 (d) CHAIRMAN.—The Chairman and Vice Chairman of
19 the Commission shall be elected by the members of the
20 Commission from among those members appointed under
21 paragraphs (1) and (2) of subsection (a).

22 (e) MEETINGS.—The Commission shall meet at the call
23 of the Chairman or a majority of its members.

24 (f) Any member of the Commission may, if unable to

1 attend a meeting of the Commission, authorize another mem-
2 ber to act and vote for him in his absence.

3 STAFF OF COMMISSION

4 SEC. 5. (a) STAFF.—The Commission may appoint and
5 fix the compensation of such personnel as it deems advisable.

6 (b) APPLICABILITY OF CIVIL SERVICE LAWS.—The
7 staff of the Commission may be appointed without regard
8 to the provisions of title 5, United States Code, governing
9 appointments in the competitive service, and may be paid
10 without regard to the provisions of chapter 51 and sub-
11 chapter III of chapter 53 of such title relating to classifica-
12 tion and General Schedule pay rates.

13 (c) SECURITY REQUIREMENTS.—The Commission
14 shall establish such security requirements, restrictions, and
15 safeguards as it deems necessary in the interest of national
16 security. The Commission may arrange with the Civil Serv-
17 ice Commission for the conduct of such security or other
18 personnel investigations of the Commission's employees,
19 consultants, and contractors, actual or prospective, as it
20 deems appropriate. If any such investigation develops any
21 data reflecting that the individual who is the subject thereof
22 is of questionable loyalty, the matter shall be referred to the
23 Federal Bureau of Investigation for the conduct of a full
24 field investigation, the results of which shall be furnished
25 to the Commission.

1 POWERS OF COMMISSION

2 SEC. 6. (a) HEARINGS AND SESSIONS.—The Commis-
3 sion may for the purpose of carrying out this Act hold such
4 hearings, sit and act at such times and places, take such
5 testimony, and receive such evidence as the Commission may
6 deem advisable. The Commission may administer oaths or
7 affirmations to witnesses appearing before it.

8 (b) SUBPENA POWER.—

9 (1) The Commission shall have power to issue
10 subpoenas requiring the attendance and testimony of wit-
11 nesses and the production of any evidence that relates to
12 any matter which the Commission is empowered to in-
13 vestigate by section 3. Such attendance of witnesses and
14 the production of such evidence may be required from
15 any place within the United States at any designated
16 place of hearing within the United States.

17 (2) If a person issued a subpoena under paragraph
18 (1) refuses to obey such subpoena or is guilty of con-
19 tumacy, any court of the United States within the ju-
20 dicial district within which the hearing is conducted or
21 within the judicial district within which such person is
22 found or resides or transacts business may (upon appli-
23 cation by the Commission) order such person to appear
24 before the Commission to produce evidence or to give
25 testimony touching the matter under investigation. Any

1 failure to obey such order of the court may be punished
2 by such court as a contempt thereof.

3 (3) The subpoenas of the Commission shall be served
4 in the manner provided for subpoenas issued by a district
5 court under the Federal Rules of Civil Procedure for
6 the United States district courts.

7 (4) All process of any court to which application
8 may be made under this section may be served in the
9 judicial district wherein the person required to be served
10 resides or may be found.

11 (c) IMMUNITY.—No person shall be excused from at-
12 tending and testifying or from producing books, records, cor-
13 respondence, documents, or other evidence in obedience to a
14 subpoena, on the ground that the testimony or evidence re-
15 quired of him may tend to incriminate him or subject him to
16 a penalty or forfeiture; but no individual shall be prosecuted
17 or subjected to any penalty or forfeiture for or on account
18 of any transaction, matter, or thing concerning which he is
19 compelled, after having claimed his privilege against self-
20 incrimination, to testify or produce evidence, except that such
21 individual so testifying shall not be exempt from prosecution
22 and punishment for perjury committed in so testifying.

23 (d) POWERS OF MEMBERS, SUBCOMMITTEES AND
24 AGENTS.—When so authorized by the Commission, any

1 take any action which the Commission is authorized to take
2 by this section.

3 (e) OBTAINING OFFICIAL DATA.—The Commission
4 may secure directly from any department or agency of the
5 United States information necessary to enable it to carry
6 out this Act. Upon request of the Chairman or Vice Chair-
7 man of the Commission such department or agency shall
8 furnish such information to the Commission. During the
9 course of its investigations and deliberations, and in making
10 its reports, findings, and recommendations, the Commission
11 shall exercise due care to protect classified information, sen-
12 sitive intelligence sources and methods, and, in this regard,
13 shall seek the advice of the Director of Central Intelligence.
14 For the purposes of this subsection, the term “classified in-
15 formation” means information which is, for reasons of na-
16 tional security, specifically designated by a department or
17 agency of the United States for limited or restricted dissemi-
18 nation or distribution.

19 (f) The Commission is authorized to enter into con-
20 tracts with qualified educational institutions, other public
21 or private organizations or agencies, or individuals for the
22 preparation of studies related to the Commission’s duties, ex-
23 cept that any contract entered into under this subsection
24 shall require that the services contracted for be completed

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AUTHORIZATION

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SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out this Act.

4

REPORTS

5

SEC. 8. Before January 1, 1972, or as soon thereafter as is practicable, the Commission shall transmit to the President and to the Congress preliminary reports of the studies and investigations carried on by it, together with its findings and recommendations, and shall transmit to the President and to the Congress before January 1, 1974, the final reports on the studies and investigations carried out by it pursuant to this Act, together with its final recommendations transmitted by it pursuant to this section at the time of such transmittal, except that the Commission shall withhold from the text of reports and recommendations made available to the public or transmitted to the Congress any part thereof the release of which, in the Commission's judgment, would be detrimental to national security.

19

TERMINATION

20

SEC. 9. The Commission shall cease to exist on December 31, 1973.

21

23 FEB 1971

Honorable F. Edward Hebert
Chairman, Committee on Armed Services
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

This is in response to your request of February 16, 1971 for our views and recommendations on H. R. 3578, a bill "To establish a Temporary National Security Commission."

We wish to assure you that our response will be submitted as soon as possible subject, of course, to necessary coordination and clearance with the Office of Management and Budget.

Sincerely,



John M. Maury
Legislative Counsel

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2	Mr. Maury		
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Remarks:			
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U.S. House of Representatives

COMMITTEE ON ARMED SERVICES

Washington, D.C. 20515

NINETY-SECOND CONGRESS

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February 16, 1971

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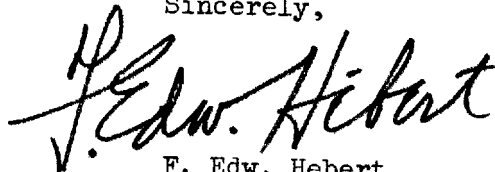
OLC 71-0112

Honorable Richard Helms
Director of Central Intelligence
Washington, D. C. 20505

Dear Mr. Helms:

The views and recommendations of the Central
Intelligence Agency are respectfully requested on H.R. 3578,
copies of which are enclosed.

Sincerely,



F. Edw. Hebert
Chairman

Enclosures

FEH/ej

TRANSMITTAL SLIP		DATE	11 June
TO: J60			
ROOM NO.	BUILDING		
REMARKS: Would you discuss with Frank or Russ, per attached.			
FROM			
ROOM NO.		EXTENSION	

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D. C. 20505

OFFICE OF THE DIRECTOR

The Honorable F. Edward Hebert
Chairman, Committee on Armed Services
House of Representatives
Washington, D. C. 20515

My dear Mr. Chairman:

This is in response to your letter of 16 February 1971 requesting the views and recommendations of this Agency concerning H. R. 3578, a bill "To establish a Temporary National Security Commission."

While this Agency has no objection to continuing scrutiny and oversight on the part of the Congress, it believes the creation of the proposed Commission is a matter for determination by the Congress. Therefore, this Agency offers no comment in this regard.

Should the bill receive favorable consideration by the Committee, however, I would respectfully request the opportunity to discuss with you certain problems regarding the protection of intelligence sources and methods, for which I am responsible under the National Security Act of 1947.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Respectfully,

A handwritten signature in cursive script, reading "Richard Helms".

Richard Helms
Director